

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ASSOCIATION OF AMERICAN RAILROADS,

Plaintiff,

v.

DAVE YOST, *Ohio Attorney General, et al.*,

Defendants.

Case No. 2:23-cv-2096

Judge Michael H. Watson

Magistrate Judge Kimberly A. Jolson

JOINT STATUS REPORT

Plaintiff Association of American Railroads and Defendants, the Chair and Commissioners of the Ohio Public Utilities Commission, respectfully submit this joint status report. On May 22, 2024, this Court granted the parties' joint motion to stay this case pending the Eleventh Circuit's resolution of challenges to a Federal Railroad Administration rule regulating crew size (Rule). ECF 51. In that order, this Court directed the parties to file status reports within sixty days, and every sixty days thereafter, outlining the status of the Eleventh Circuit challenge. *Id.*

As of June 18, 2024, all petitions challenging the Rule have been transferred to the Eleventh Circuit and consolidated under the caption *Florida East Coast Railway LLC v. Federal Railroad Administration*, No. 24-11076. Petitioners filed their principal briefs on July 26, 2024; Respondents filed their answering brief on September 24, 2024; Intervenor filed their brief on October 1, 2024; and Petitioners filed their reply briefs on November 14, 2024.

The Eleventh Circuit has not yet scheduled oral argument on the pending petitions. Per this Court's May 22, 2024 order, the parties will file the next status report on January 17, 2025.

Dated: November 18, 2024

Respectfully submitted,

/s/ Jonathan N. Olivito

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**On Behalf of Defendants Jenifer French, Daniel
R. Conway, Dennis P. Deters, Lawrence K.
Friedeman, and John D. Williams**

CERTIFICATE OF SERVICE

I certify that on November 18, 2024, I electronically filed the foregoing with the Clerk of Court by using the Court's CM/ECF system, which will send a notice of this electronic filing to all counsel of record.

/s/ Jonathan N. Olivito

Jonathan N. Olivito